

1 LENARD E. SCHWARTZER  
2 2850 S. Jones Blvd., Ste 1  
3 Las Vegas, NV 89146  
4 (702) 307-2022

5 Trustee

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7  
8 **UNITED STATES BANKRUPTCY COURT**

9 **DISTRICT OF NEVADA**

10  
11 In re ) Case No. BK-S 20-10752-ABL  
12 JIMENEZ ARMS, INC. ) IN PROCEEDINGS UNDER CHAPTER 7  
13 )  
14 ) DECLARATION OF LENARD E.  
15 ) SCHWARTZER IN SUPPORT OF ENTRY  
16 ) OF ORDER RE TRUSTEE'S INTENT TO  
17 Debtor ) ABANDON ALTER EGO CLAIMS  
18 ) AGAINST PAUL JIMENEZ AND HIS  
19 ) OTHER COMPANIES AND OTHER  
20 ) PERSONS AND/OR ENTITIES  
21 )  
22 \_\_\_\_\_ )

23 I, LENARD E. SCHWARTZER, declare under penalty of perjury the following:

24 1. I am the duly appointed and acting Chapter 7 Trustee for the above-entitled estate.

25 2. On July 21, 2021, I caused to be filed the NOTICE OF TRUSTEE'S INTENT TO  
26 ABANDON ALTER EGO CLAIMS AGAINST PAUL JIMENEZ AND HIS OTHER  
27 COMPANIES AND OTHER PERSONS AND/OR ENTITIES (Docket # 163) (the "Notice").


28 3. Attached hereto are true and correct copies of the Notice (Exhibit '1"), and the  
Certificate of Service (Docket # 164) (Exhibit "2") for the same.

1           4. As set forth in the Notice, the Trustee intends to abandon the Alter Ego Claims  
2 against Paul Jimenez and his other companies and other persons and/or entities.

3           5. The Notice sets forth the objection deadline of twenty-one calendar days from  
4 service of the Notice (July 21, 2021), and the requirement that an objection be filed, set,  
5 served, and noticed by that date.

6           6. No opposition has been timely filed, as reflected on the Docket, and no opposition  
7 has been served upon me or communicated to me, and therefore the Order lodged herewith  
8 may be entered pursuant to 11 U.S.C. §102(1)(B)(I).  
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11  
12 Dated: August 13, 2021

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15 LENARD E. SCHWARTZER, Trustee  
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Exhibit “1”

1 LENARD E. SCHWARTZER  
2 2850 S. Jones Blvd., Ste 1  
3 Las Vegas, NV 89146  
4 (702) 307-2022

5 TRUSTEE

6 UNITED STATES BANKRUPTCY COURT  
7 DISTRICT OF NEVADA

8 In re

9 JIMENEZ ARMS, INC.

12 Debtor

Case No. BK-S 20-10752-ABL

IN PROCEEDINGS UNDER CHAPTER 7

NOTICE OF TRUSTEE'S INTENT TO  
ABANDON ALTER EGO CLAIMS  
AGAINST PAUL JIMENEZ AND HIS  
OTHER COMPANIES AND OTHER  
PERSONS AND/OR ENTITIES

14  
15 NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

16 Pursuant to LR 9014.1, the court will consider this motion, objection, or other  
17 matter without further notice of hearing unless a party in interest files an objection  
18 within 21 days from the date of service of this paper. If you object to the relief  
19 requested in this paper, you may file your objection at the bankruptcy clerk's office  
20 located in Las Vegas at the United States Bankruptcy Court, 300 Las Vegas Blvd.  
21 South, Las Vegas, Nevada 89101 or in Reno at the United States Bankruptcy Court,  
22 300 Booth Street, Reno, Nevada 89509, and serve a copy on the movant's attorney  
23 and any other appropriate person.

24 It is the duty of the objecting party to timely set the objection for a hearing and  
25 properly notice all parties in interest. If you do not file an objection within the time  
26 permitted, an order granting the requested relief may be entered by the court without  
27 further notice or hearing.

1 PLEASE TAKE NOTICE that pursuant to Fed. R. Bankr. P. 6007(a) and 11 U.S.C. §554(a),  
 2 LENARD E. SCHWARTZER, Chapter 7 Trustee ("Trustee"), intends to and will abandon the  
 3 following described non-exempt asset as inconsequential value and has no benefit to the estate,  
 4 unless a creditor or other interested party files and serves a written objection pursuant to LR 9014.1,  
 5 within 21 days from the date of service of this paper on the Trustee and any other appropriate person.

6 The Trustee intends to abandon the estate's interest in the following asset (the "Asset"):

7 **Alter Ego Claims against Paul Jimenez and his other companies and other persons**  
 8 **and/or entities**

### 9 FACTS

10 1. On February 3, 2012, Debtor filed its Voluntary Petition for relief under Chapter 7 of  
 11 the Bankruptcy Code and LENARD E. SCHWARTZER is the duly appointed and acting trustee  
 12 herein.

13 2. Assets of the Debtor to be abandoned include the following:

14 **Alter Ego Claims against Paul Jimenez and his other companies and other**  
 15 **persons and/or entities**

16 3. There is some evidence that Paul Jimenez, who owned and controlled Jimenez Arms,  
 17 Inc. (the Debtor), used his control over the Debtor to work a fraud or manifest injustice on the  
 18 Debtor's creditors, by among other things treating the Debtor's assets as his own, failing to observe  
 19 corporate formalities, undercapitalizing the Debtor, having the Debtor overpay for parts acquired  
 20 from Paul Jimenez's dba company and operating the Debtor's business for the purpose of shielding  
 21 his personal assets from potential creditors, including tort claimants.

22 4. The Bankruptcy Estate has limited funds, which are insufficient to employ counsel on  
 23 an hourly basis to pursue this litigation. Creditor's counsel is unwilling to represent the bankruptcy  
 24 estate on a contingent fee basis because of the large amount of priority claims (in excess of \$1  
 25 million) will make it very unlikely that his clients could recover anything, even if the estate is  
 26 successful in holding that Paul Jimenez is the Debtor's alter ego.

1           5.     The Trustee hereby moves this Court for an Order abandoning the foregoing Asset, as  
2                 he has determined it is of inconsequential value and has no benefit to the estate.

3  
4                                 **MEMORANDUM OF POINTS AND AUTHORITIES**

5           Fed. R. Bankr. P. 6007(a) states:

6           Unless otherwise directed by the court, the trustee or debtor in possession shall give  
7           notice of a proposed abandonment or disposition of property to the United States  
8           trustee, all creditors, indenture trustees, and committees elected pursuant to § 705 or  
9           appointed pursuant to § 1102 of the Code. A party in interest may file and serve an  
             objection within 14 days of the mailing of the notice, or within the time fixed by the  
             court. If a timely objection is made, the court shall set a hearing on notice to the  
             United States trustee and to other entities as the court may direct.

10           11 U.S.C. Section 554(a) states:

11           After notice and a hearing, the trustee may abandon any property of the estate that is  
12           burdensome to the estate or that is of inconsequential value and benefit to the estate.

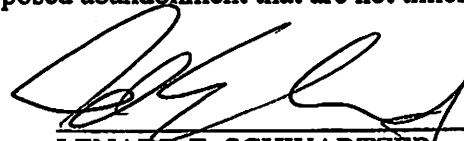
13           Pursuant to Local Rule 9014.1(a)(4), notices of abandonment pursuant to Fed. R. Bankr.P.  
14           6007(a) may be considered by the court without an actual hearing under the negative notice  
15           procedure described in Local Rule 9014.1, if no party requests a hearing.

16  
17                                 **CONCLUSION**

18           Based upon the foregoing, the Trustee seeks authority to abandon the Alter Ego Claims  
19           against Paul Jimenez and his other companies and other persons and/or entities.

20           As set forth above, objections to this proposed abandonment that are not timely filed and  
21           served may be deemed invalid and/or waived.

22           DATED: July 21, 2021

23     
24   LENARD E. SCHWARTZ

**DECLARATION OF TRUSTEE**

I declare, under penalty of perjury, that the foregoing is true and correct, to the best of my knowledge, information and belief.

DATED: July 21, 2021

  
LENARD E. SCHWARTZER

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Exhibit “2”



1 **LENARD E. SCHWARTZER**  
2850 S. Jones Blvd., Ste 1  
2 Las Vegas, NV 89146  
(702) 307-2022

3 TRUSTEE  
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6  
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8 **UNITED STATES BANKRUPTCY COURT**  
9 **DISTRICT OF NEVADA**

10 In re ) Case No. BK-S 20-10752-ABL  
11 JIMENEZ ARMS, INC. ) IN PROCEEDINGS UNDER CHAPTER 7  
12 ) CERTIFICATE OF SERVICE  
13 )  
14 )  
15 )

Debtor

16 1. On July 21, 2021, I caused to be served the following document:

17 a. Notice of Trustee's Intent to Abandon Alter Ego Claims against Paul Jimenez and His  
18 Other Companies and Other Persons and/or Entities

19 2. I served the above-named document by the following means to the persons as listed  
20 below

21 ■ a. By ECF System:

22 PRIYA K. BARANPURIA on behalf of Creditor BEVERLY CRAWFORD AND ALVINO  
CRAWFORD, AS THE PARENTS OF THE DECEDENT ALVINO DWIGHT CRAWFORD  
23 pbaranpuria@kramerlevin.com

24 THOMAS E. CROWE on behalf of Debtor JIMENEZ ARMS, INC.  
tcrowe@thomascrowelaw.com, tcrowe@lvcoxmail.com

25 ANDREA M. GANDARA on behalf of Creditor INTERNATIONAL DIE CASTING, INC.  
26 agandara@nevadafirm.com,  
rholley@nevadafirm.com;oswibies@nevadafirm.com;apestonit@nevadafirm.com;nleatham@nevada  
27 firm.com  
28

1 JASON A. IMES on behalf of Attorney SCHWARTZER & MCPHERSON LAW FIRM  
bkfilings@s-mlaw.com

2 JASON A. IMES on behalf of Trustee LENARD E. SCHWARTZER  
3 bkfilings@s-mlaw.com

4 BART K. LARSEN on behalf of Creditor BEVERLY CRAWFORD AND ALVINO CRAWFORD,  
AS THE PARENTS OF THE DECEDENT ALVINO DWIGHT CRAWFORD  
5 BLARSEN@SHEA.LAW, 3542839420@filings.docketbird.com

6 BART K. LARSEN on behalf of Creditor THE CITY OF KANSAS CITY, MISSOURI  
BLARSEN@SHEA.LAW, 3542839420@filings.docketbird.com

7 BART K. LARSEN on behalf of Creditor ALVINO CRAWFORD  
8 BLARSEN@SHEA.LAW, 3542839420@filings.docketbird.com

9 BART K. LARSEN on behalf of Creditor BEVERLY CRAWFORD  
BLARSEN@SHEA.LAW, 3542839420@filings.docketbird.com

10 J SCOTT MACDONALD on behalf of Interested Party PAUL JIMENEZ,SR.  
11 scott@jsmaclaw.com

12 J SCOTT MACDONALD on behalf of Witness JA INDUSTRIES, LLC.  
scott@jsmaclaw.com

13 LENARD E. SCHWARTZER  
14 trustee@s-mlaw.com,  
lbenson@s-mlaw.com;jelliott@s-mlaw.com;nv17@ecfcbis.com;clea11@trustesolutions.net;les@tru  
15 stesolutions.net

16 U.S. TRUSTEE - LV - 7  
USTPRegion17.LV.ECF@usdoj.gov

17 ■ b. By United States Mail, Postage fully prepaid:

18 SEE ATTACHED MAILING MATRIX

19 ☐ c. By Personal Service

20 I personally delivered the document(s) to the persons at these address:

21 ☐ For a party represented by an attorney, delivery was made by handing the  
22 document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk of  
23 other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in  
24 the office.

25 ☐ For a party, delivery was made by handing the document(s) to the party by leaving the  
26 document(s) at the person's dwelling house or usual place of abode with someone of suitable age and  
27 discretion residing there.  
28

1 ☐ d. By Direct email (as opposed to through the ECF System)

2 Based upon the written agreement of the parties to accept service by fax transmission or a  
3 court order, I faxed the document(s) to the persons at the fax number listed below. No error was  
4 reported by fax machine that I used. A copy of the recorded fax transmission is attached

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Dated: July 21, 2021

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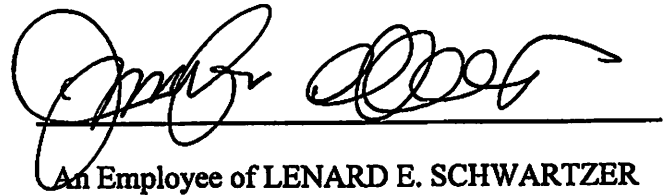
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27

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An Employee of LENARD E. SCHWARTZER

ALCOHOL AND TOBACCO TAX AND TRADE  
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Account 0829  
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Kansas City, MO 64106

CITY OF KANSAS CITY, MISSOURI  
C/O PHILIP BENTLEY & PRIYA BARANPURIA  
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NEW YORK, NY 10036

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500 South Grand Central Parkway  
PO Box 551401  
Las Vegas, NV 89155

Clark County Treasurer  
c/o Bankruptcy Clerk  
500 South Grand Central Parkway  
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Las Vegas, NV 89155

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EMPLOYMENT SECURITY DIVISION  
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Irvine, CA 92620-3264

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NEVADA DEPT OF TAXATION  
Acct No 4325  
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AND  
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c/o Bart K Larsen, Shea Larsen  
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The Estate of Melinda Ann Orr  
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Alcohol and Tobacco Tax and Trade Bureau  
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